

In the United States Court of Federal Claims  
OFFICE OF SPECIAL MASTERS

Filed: August 31, 2022

\* \* \* \* \*  
[REDACTED]  
Petitioners,  
v.  
SECRETARY OF HEALTH  
AND HUMAN SERVICES,  
Respondent.  
\* \* \* \* \*

Unpublished  
No. 17-1920V  
Special Master Gowen  
Decision on Stipulation; Influenza;  
Shoulder Pain.

Leah V. Durant, Law Offices of Leah V. Durant, PLLC, Washington, D.C., for petitioner.  
Catherine E. Stolar, U.S. Department of Justice, Washington, D.C., for respondent.

**DECISION ON STIPULATION<sup>1</sup>**

On December 11, 2017, [REDACTED] (“petitioner”) filed a petition in the National Vaccine Injury Compensation Program.<sup>2</sup> Petition (ECF No. 1). Petitioner alleged that she had shoulder pain, after receiving the influenza (“flu”) vaccination on October 2, 2016. *Id.* at Preamble.

On August 31, 2022, respondent filed a stipulation providing that a decision should be entered awarding compensation to petitioner. Stipulation (ECF No. 60). Respondent denies that the flu vaccine is the cause of petitioner’s shoulder pain, brachial neuritis and/or Parsonage-Turner syndrome. *Id.* at ¶ 6. Nevertheless, maintaining their respective positions, the parties now agree that the issues between them shall be settled and that a decision should be entered

<sup>1</sup> Pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012), because this opinion contains a reasoned explanation for the action in this case, I intend to post it on the website of the United States Court of Federal Claims. The court’s website is at <http://www.uscfc.uscourts.gov/aggregator/sources/7>. Before the opinion is posted on the court’s website, each party has 14 days to file a motion requesting redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). An objecting party must provide the court with a proposed redacted version of the opinion. *Id.* If neither party files a motion for redaction within 14 days, the opinion will be posted on the court’s website without any changes. *Id.*

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to 34 (2012) (hereinafter “Vaccine Act” or “the Act”). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

awarding the compensation according to the terms of the stipulation attached hereto as Appendix A. *Id.* at ¶ 7.

The stipulation provides:

**A) A lump sum of \$97,500.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

Accordingly, the Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of the stipulation and this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Thomas L. Gowen**  
Thomas L. Gowen  
Special Master

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<sup>3</sup> Entry of judgment is expedited by each party's filing notice renouncing the right to seek review. Vaccine Rule 11(a).